IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.128 OF 2004
Along with
Civil Application No.129 of 2004

M/s Ceekay Hotels Private Ltd, .. Appellants
Vs
Lonavala Municipal Council, .. Respondent.

Mr V.P.Sawant, for the appellant.
Mr S.V.Pitre, for the respondent.

CORAM : D.B.BHOSALE,J.
DATE : 29.01.2007.

PC:

1. Heard the learned counsel for the parties.

2. Mr.Sawant, learned counsel for the appellants, submits that the notice impugned in the suit has been complied with by the appellants by removing the offending walls covering stilt area and, thereafter they have not reconstructed any portion thereof and in the circumstances nothing further survives in this appeal. Mr.Pitre,learned counsel for the respondent,however, submits that if any portion of the offending structure still exists, they may be allowed to proceed with demolition of the same on the basis of the impugned notice.In view of the submissions made by the learned counsel for the parties, this second appeal stands disposed of as infructuous.However, it will be open for respondent-Council to take action against the appellants

in pursuance of the notice impugned in the present appeal if the appellants have either not demolished the notice structure or made any reconstruction pending appeal, covering the stilt area. As a consequence thereof, the civil application is disposed of.

(D.B.BHOSALE,J.)